

From: [Andrew Stephens](#)
To: [Lollar, Tirzah](#); [Ashby, Danny S.](#); [Margolis, Craig D.](#); [Odell, Christopher M.](#); [lgodesky@omm.com](#); [Chapa, Justin R.](#); [Santella, Amanda M.](#)
Cc: [Raymond Winter](#); [Amy Hilton](#); [Heather Hacker](#); [Hilton, Christopher](#); [Michael Moore](#); [Eugenia Krieg](#); [Drew Wright](#)
Subject: PPFA Affiliates" Confidentiality Designations
Date: Wednesday, October 19, 2022 10:39:29 AM
Attachments: [image001.png](#)

Tirzah,

We have reviewed the PPFA Affiliates' document productions and this email serves as our written objection and request under Paragraph 7 of the Protective Order that you change the designations of (1) all documents marked "Confidential" that do not contain "protected health information" as defined by Paragraph 2 of the Protective Order and (2) all documents marked "Attorney Eyes Only" that do not contain Personal Identification Information listed in examples 1-6 of Paragraph 2 of the Protective Order. From your previous email, it appears you may have marked some documents AEO because they contain the names of non-publicly identified Planned Parenthood employees (designated with a * in your September 30 email). We thus also object to the AEO designation of all documents containing Magda Mijares's name, as she is publicly identified. We also object to all documents designated in a fashion that is inconsistent with the Court's October 11 order. For instance, the Court stated that the "Confidential" and "AEO" designations are to be used sparingly, and documents such as news articles, financial reports, grant agreements, and those containing cell phone numbers in an employee's signature block "are not worthy of AEO-designation under the Protective Order." Our review has shown that numerous such documents have been designated.

In addition, it appears that a majority of your production is designated either "Confidential" or "Attorney Eyes Only," with a majority of those being designated "Attorney Eyes Only." Thus, it appears that you have "used such designations in a purely prophylactic manner," which violates Paragraph 8 of the Protective Order.

We are available to meet and confer on this issue pursuant to Paragraph 7 of the Protective Order.

Andrew

Andrew B. Stephens
Partner

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